

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

1/16/02
MICHAEL W. DOBBINS
CLERK, U. S. DISTRICT COURT

UNITED STATES OF AMERICA

No. 02CR1117

v.

LAVERN MILLER and
STOELTING COMPANY

) Violations: Title 50, United
States Code, Section 1705(b);
Title 15, Code of Federal Regulations,
Sections 764.2(a), 764.2(c), and 764.2(e)

JUDGE SHADUR

COUNT ONE

MAGISTRATE JUDGE LEVIN

The SPECIAL FEBRUARY 2002-1 GRAND JURY charges:

1. At times relevant to this indictment:

(a) The U.S. Department of Commerce was authorized to regulate the exportation of commodities, technology, and software pursuant to the provisions of the Export Administration Act of 1979, as amended, Title 50, United States Code Appendix, Section 2401 *et seq.*, and the Export Administration Regulations, Title 15, Code of Federal Regulations, Section 730.1 *et seq.* Between August 21, 1994 and November 12, 2000, the Export Administration Act was in lapse. During that period, the President continued the Export Administration Regulations in full force and effect pursuant to Executive Order 12924 and successive Presidential Notices, which he issued pursuant to the provisions of the International Emergency Economic Powers Act, Title 50, United States Code, Section 1701 *et seq.*

(b) Pursuant to its regulatory authority, the U.S. Department of Commerce established and maintained a "Commerce Control List," listing specific items whose

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exportation was licensed, regulated, or prohibited. Among the items listed on the Commerce Control List were polygraph machines and specially designed parts and accessories, which could not be exported to certain specified countries, including the People's Republic of China, without a license issued by the U.S. Department of Commerce.

(c) Defendant LAVERN MILLER was the chief executive officer and chairman of the board of defendant STOELTING COMPANY, a manufacturer of polygraph machines, among other things, located at 620 Wheat Lane, Wood Dale, Illinois.

2. On or about March 5, 1999, at Wood Dale, in the Northern District of Illinois, Eastern Division, and elsewhere,

LAVERN MILLER and
STOELTING COMPANY,

defendants herein, knowingly and willfully attempted to export, from the United States to the People's Republic of China, items which were designated on the Commerce Control List, namely, three polygraph machines and specially designed parts and accessories valued at approximately \$13,500, without having first obtained an export license from the U.S. Department of Commerce, defendants then knowing that such polygraph machines were destined for the People's Republic of China;

In violation of Title 50, United States Code, Section 1705(b), and Title 15, Code of Federal Regulations, Sections 764.2(a), 764.2(c), and 764.2(e).

COUNT TWO

The SPECIAL FEBRUARY 2002-1 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are hereby realleged and incorporated herein by reference.

2. On or about January 29, 1998, at Wood Dale, in the Northern District of Illinois, Eastern Division, and elsewhere,

LAVERN MILLER and
STOELTING COMPANY,

defendants herein, knowingly and willfully exported, from the United States to the People's Republic of China, a specially designed polygraph part and accessory, namely, a Computerized Polygraph System top board, which item was designated on the Commerce Control List, without having first obtained an export license from the U.S. Department of Commerce;

In violation of Title 50, United States Code, Section 1705(b), and Title 15, Code of Federal Regulations, Sections 764.2(a) and 764.2(e).

COUNT THREE

The SPECIAL FEBRUARY 2002-1 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are hereby realleged and incorporated herein by reference.

2. On or about February 5, 1998, at Wood Dale, in the Northern District of Illinois, Eastern Division, and elsewhere,

LAVERN MILLER and
STOELTING COMPANY,

defendants herein, knowingly and willfully exported, from the United States to the People's Republic of China, specially designed polygraph parts and accessories, namely, a Computerized Polygraph System bottom cover and boards, which items were designated on the Commerce Control List, without having first obtained an export license from the U.S.

Department of Commerce;

In violation of Title 50, United States Code, Section 1705(b), and Title 15, Code of Federal Regulations, Sections 764.2(a) and 764.2(e).

COUNT FOUR

The SPECIAL FEBRUARY 2002-1 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are hereby realleged and incorporated herein by reference.
2. On or about September 1, 1998, at Wood Dale, in the Northern District of Illinois, Eastern Division, and elsewhere,

LAVERN MILLER and
STOELTING COMPANY,

defendants herein, knowingly and willfully exported, from the United States to the People's Republic of China, specially designed polygraph parts and accessories, namely, three Pneumotrace Respiration Sensors, which items were designated on the Commerce Control List, without having first obtained an export license from the U.S. Department of Commerce;

In violation of Title 50, United States Code, Section 1705(b), and Title 15, Code of Federal Regulations, Sections 764.2(a) and 764.2(e).

A TRUE BILL:


John R. Rymer
F O R E P E R S O N



Lorraine L. Lippman
UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

vs.

LAVERN MILLER and
STOELTING COMPANY

I N D I C T M E N T

Violations:

Title 50, United States
Code, Section 1705(b); Title
15, Code of Federal
Regulations, Sections
764.2(a), 764.2(c), and
764.2(e)

A true bill.

John B. Coffey
Foreman

Filed in open court this 19th day of November, A.D. 2002

Jack Tschirn Deputy Clerk
Michael W. Robbins Clerk

Bail, \$